



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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May 3, 2013

Mutt's Place, Inc.
George Vrooman
PO Box 865
Morgantown, WV 26501

**RE: CU13-05 / Mutt's Place / 263 Beechurst Avenue
Tax Map 19, Parcel 22.1**

Dear Mr. Vrooman:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced conditional use petition of a conditional "Private Club" use located at 263 Beechurst Avenue. The decision is as follows:

Board of Zoning Appeals, May 2, 2013:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved your conditional use petition as requested with the following conditions:
 - a. That the conditional use granted herein is conditioned upon the Board's approval of variance relief from the minimum parking requirements AND/OR the approval of a conditional use petition for off-premise parking. Said variance relief and/or conditional off-premise parking use must be granted before any certificate of occupancy can be issued.
 - b. That a dumpster enclosure be designed, located, and screened as required in Article 1367.06(E).
 - c. That the beneficiary of the conditional use granted herein is specific to Mutt's Place, Inc. and may not be transferred without prior approval of the Board of Zoning Appeals.

Please contact this office at your earliest convenience to discuss addressing the first condition above concerning variance and/or conditional use petition(s) relating to parking. The application deadline for the Board's June 19, 2013 hearing is Friday, May 10, 2013.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the applicant.

The approval of this conditional use is set to expire in twelve (12) months unless you can demonstrate that it has been acted upon as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Please note that requisite building permits must be obtained prior to the commencement of any work.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and approval needs.

Respectfully,

A handwritten signature in cursive script, reading "Stacy Hollar". The signature is written in dark ink and is positioned above the typed name and title.

Stacy Hollar
Executive Secretary
shollar@cityofmorgantown.org

ADDENDUM A – Approved Findings of Fact
CU13-05 / Mutt’s Place / 263 Beechurst Avenue

Finding of Fact No. 1 – Congestion in the streets is not increased, in that:

The use of the first floor of the 263 Beechurst Avenue mixed-use building has been occupied by a number of commercial uses over many years without on-site parking relying primarily on walk-up customers. Some of these uses included retail and grocery-related establishments. Mutt’s Place, a neighborhood-scaled bar, at its previous 2129 University Avenue location has similarly depended on walk-up customers for 30+ years. There are several adjacent uses that do not provide sufficient parking to meet the strict definition of the code. There has been a significant increase in residential density on the west side of Beechurst Avenue. Market interest remains strong in continuing this redevelopment pattern. It is reasonable to conclude that the relocation of the 30+ year neighborhood-scaled bar from University Avenue to Beechurst Avenue will foster a shift in the establishment’s pedestrian customer attraction trends and that the significant increase in residential density on the west side of Beechurst Avenue may very well become the establishment’s primary pedestrian customer base. Because 263 Beechurst Avenue and the Mutt’s Place establishment at 2129 University Avenue have historically demonstrated a dependence on pedestrian traffic, additional vehicular traffic generated by Mutt’s Place locating at 263 Beechurst Avenue is not anticipated.

Finding of Fact No. 2 – Safety from fire, panic, and other danger is not jeopardized, in that:

The proposed occupancy change in commercial establishment type will require compliance with applicable building and fire codes related to life and safety standards.

Finding of Fact No. 3 – Provision of adequate light and air is not disturbed, in that:

The proposed conditional “Private Club” use at 263 Beechurst Avenue will not change the height or building footprint of the existing building and thereby not affect existing light and air flow patterns within the immediate area.

Finding of Fact No. 4 – Overcrowding of land does not result, in that:

The proposed conditional “Private Club” use at 263 Beechurst Avenue will not change the height or building footprint of the existing building and thereby not alter the density or intensity of the existing building.

Finding of Fact No. 5 – Undue congestion of population is not created, in that:

Population would stay as 4 people living in 4 apartments.

Finding of Fact No. 6 – Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

The proposed conditional “Private Club” use within an existing commercial space will not result in an increase in demand for public facilities or public utility services that are currently available within the immediate area.

Finding of Fact No. 7 – Value of buildings will be conserved, in that:

The petitioner has affirmed that he will be purchasing the 263 Beechurst Avenue property and investing resources to both the interior and exterior of the structure necessary for accommodating and promoting the relocation of the neighborhood-scaled bar that has existed within the Sunnyside / Seneca area for 30+ years. Improvements to the structure, particularly exterior façade and dumpster screening, should enhance market values and promote the scenic beauty, aesthetics and environmental integrity of the site and immediate area.

Finding of Fact #8 – The most appropriate use of land is NOT encouraged, in that:

Property will continue to be apartment rental and first floor commercial business rental. There are a number of neighborhood-scaled bars similar to Mutt's Place within the City from predominantly single-family residential areas to primary commercial corridors. Mutt's Place has established a 30+ year history and strong patron base in the Sunnyside / Seneca areas with very limited parking. Like Mutt's Place 2129 University Avenue location, which is also a B-2 District in a predominantly student residential area, and other businesses within the Sunnyside / Seneca areas, 263 Beechurst Avenue has been dependent upon on pedestrian walk-up customers.